

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2021/60/94208/E

Site Address: Former North Bierley Waste Water Treatment Works,
Cliff Hollins Lane, Oakenshaw, BD12 7ET

Description: Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8)

Recommending Officer: Nick Hirst

DECISION – S106 Outline Permission- Granted

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 16-Oct-2023

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Traffic monitoring and £30,000 (£15,000 x 2) towards potential traffic management schemes at Cliff Hollins Lane and Mill Carr Hill Road
2. £15,000 for Travel Plan monitoring (£3,000 x 5 years).

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This is an application for outline planning permission for commercial development (Use Classes E(g)(ii); E(g)(iii); B2 and B8).

- 1.1 This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement as the application has a site area exceeding 0.5ha and seeks non-residential development.

2.0 SITE AND SURROUNDINGS

- 2.1 The site has an area of 7.7ha. It hosts a mixture of structures associated with the former waste water treatment use and open grassland. Land levels fall from west to east. To the immediate east of the site is Huntsworth Beck and woodland, before progressing to open countryside. To the west is the M606 and the south the M62, with their junction (junction 26) being to the south-west.
- 2.2 To the north of the site is land, also formerly party of the waste water works and adjacent open land, currently being developed into a commercial park. Outline planning permission for the re-development of the site to provide employment uses (Use Classes B1(c), B2 and B8)) was issued on 25 October 2018 following its approval at Strategic Planning Committee on 8 March 2018. Various subsequent Reserved Matters (and other applications) have followed. At the time of writing three commercial buildings have been substantially completed. Further north are the settlements of Oakenshaw and Woodlands.

3.0 PROPOSAL

- 3.1 This application seeks outline planning permission for employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8). Existing structures on site would be cleared. The proposal seeks a maximum floorspace of 12,078sqm (130,006.51sqft). All matters, namely access, appearance, scale, layout, and landscaping, are reserved.
- 3.2 Notwithstanding all matters being reserved, an indicative site plan has been provided to establish how the site may be developed. It demonstrates a singular rectangular building, sited roughly central within the site, with access to the west, parking facilities to the north, and service area to the south.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2016/92298: Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – S106 Outline Approved

Note: The following applications all stem from application 2016/92298, which was an outline application for commercial development covering the application site plus additional land to the north. All the subsequent applications (reserved matters, non-material amendments etc.) relate

to the land to the north only and do not include works within the application site. However, as they stem from the extensive red-line from 2016/92298 that covers this application site they do procedurally fall within this 'application site'.

2020/91436: Non material amendment to previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – NMA Approved

2020/91488: Reserved matters application pursuant to outline permission 2016/92298 outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) (Phase 1) to include the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 29 (Noise attenuation) and 31 (Electric vehicle charging points) – RM Approved

2020/91807: Reserved matters application pursuant to Phase 2 of outline permission no. 2016/92298 (as amended by NMA 2020/91436) for the re-development of the former waste water treatment works following demolition of existing structures to provide employment uses (Use classes B1(c), B2 and B8) to include the discharge of Condition 6 (BEMP), Condition 9 (Lighting design strategy), Condition 17 (Site investigations), Condition 29 (Noise attenuation) and Condition 31 (Electric vehicle charging points) of 2016/92298 as they relate to Phase 2 – RM Approved

2021/90893: Variation of Conditions 1, 2 and 4 on previous permission 2020/91807 for Reserved Matters Application pursuant to Phase 2 of Outline Permission 2016/92298 (as amended by NMA 2020/91436) for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (B1(C), B2 and B8) to allow for minor changes to the shape of the building to address the correct positioning of existing overhead power cables – Removal / Variation approved

2021/91901: Non material amendment to Condition 20 of previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) to enable the construction of Phase 2 – NMA Approved

2021/94060: Variation condition 32 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – Pending determination (approved at committee, pending S106 being signed)

2022/91849: Variation condition 21 (highways and occupation) on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – Pending determination (approved at committee, pending S106 being signed)

2022/91639: Non material amendment to previous permission 2021/90893 for Variation of Conditions 1, 2 and 4 on previous permission 2020/91807 for Reserved Matters Application pursuant to Phase 2 of Outline Permission 2016/92298 (as amended by NMA 2020/91436) for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (B1(C), B2 and B8) to allow for minor changes to the shape of the building to address the correct positioning of existing overhead power cables – NMA Approved

2022/92824: Non material amendment to previous permission 2021/91932 for reserved matters application pursuant to outline permission 2016/92298 for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) relating to Phase 4 - the construction of 2 x industrial warehouse units with ancillary office accommodation (approximately 6021m² and 4046m²) with parking and landscaping, including the discharge of Condition 6 (Bio-diversity Enhancement Management Plan), Condition 17 (Site Investigations), Condition 19 (Public Rights of Way), Condition 29 (Noise Attenuation) and Condition 31 (Electric Vehicle Charging Points) – NMA Approved

Note: Discharge of condition applications not listed due to substantial number.

4.2 Surrounding Area

land west of M62, south of, Whitehall Road, Cleckheaton, BD19 6PL

2021/92603: Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access (amended and further information received) – Pending consideration

4.3 Enforcement History

COMP/20/0238: Alleged breach of conditions – Resolved

COMP/20/0268: Material start on permission in breach of conditions – Resolved

A Temporary Stop Notice (TSN) was served on the site on 10th July 2020. It was issued as a result of construction works pursuant to Phase 1 having commenced without the relevant pre-commencement

conditions having been discharged. The works that had started were principally deemed to have caused harm to residential amenity as a consequence of the stockpiling of material on the boundary of the site near to residential properties. The TSN required the applicant to cease all construction works pursuant to 2016/92298, including demolition, excavation & engineering works. It took effect on 10 July 2020 and ceased to have effect on 7 August 2020. The applicant complied with the terms of the TSN.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 The applicant sought pre-application advice from the Local Planning Authority (ref. 2021/20584) in June 2021.
- 5.2 Prior to submitting their pre-application enquiry the applicant had been in discussions with National Highways regarding the safeguarded land within allocation ES7 and had, via email, received confirmation that National Highways that they would not oppose the development in principle (i.e. the loss of the safeguarded land). For full details on this please see paragraphs 8.1 and 10.5 – 10.10. This information from National Highways, which was independently verified by officers at the time, informed the applicant's pre-application. Officers provided commentary on other material planning considerations. A response was issued in October 2021.
- 5.3 The current application was submitted in November 2021. Various discussions have taken place between the applicant and LPA. These principally related to highways, with further details for review provided by the applicant on request. This included demonstrating cycle improvements off-site are feasible and ensuring the provision of appropriate turning facilities. Discussions on reasonable contributions via S106, namely travel plan monitoring and potential improvements to local traffic management, were agreed.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

- 6.2 The application site is part of land allocated for employment development in the Local Plan (site allocation ref: ES7).
- 6.3 Site allocation ES7 identifies the following constraints relevant to the site:

- Land to be safeguarded for M62/M606 widening scheme
- The access road will require widening into the site as well as improvements to its junction with Cliffe Hollins Lane
- Additional mitigation on wider highway network may be required
- Public right of way in close proximity to the north of the site
- Part of the site is within flood zone 3
- Surface water issues
- Potentially contaminated land
- Potential for noise impact
- Potential for odour impact
- Site affected by hazardous installation / pipelines
- Proximity to a Local Wildlife Site
- Part/all of the site is within a High-Risk Coal Referral Area
- Power lines cross the site
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6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP9** – Supporting skilled and flexible communities and workforce
- **LP13** – Town centre uses
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP64** – Employment allocations

6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- Highways Design Guide SPD (2019)

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

National Planning Guidance

- 6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

- 6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)

Climate change

- 6.8 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

- 6.9 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying

carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

Public representation

7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.2 The end date for public comments was the 5th of January 2022. Eight public representations were received in response to the advertisement. The following is a summary of the comments made:

- The road network around this site (specifically Mill Carr Hill Road and Cliff Hollins Lane) is not acceptable for the type of HGV movements, or volume, associated with this development. This makes the area dangerous to residents and nearby school children.
- The proposal will result in more noise and disruption for residents, causing harm to amenity.
- The continued development of the site has harmed the character and setting of Oakenshaw, from '*small village surrounded by beautiful fields, now we are a small village DROUNDED by industrial sites.*'
- Vehicles accessing the site have caused damage to the road and require no vehicles to be parked opposite the junction between Mill Carr Hill Road and Cliff Hollins Lane.
- The proposal will harm local air quality, to the detriment of local residents and school children.
- The land is Green Belt and should not be developed
- Bradford Road and Chain Bar roundabout are heavily congested, which this proposal will exacerbate.
- The proposed development would result in the coalescence of Bradford and Cleckheaton, contrary to the Inspector's comments at the Local Plan hearings, specifically relating to the release of Green Belt land.
- The land has been preserved by Highways for motorway / roundabout improvements.

- The original approval was for lighting industrial, but has changed to transport and warehousing.
- The developer of the site has breached planning conditions several times.
- Access should be directly from the M606 or Chain Bar roundabout.
- The applicant's report is based on 2011 traffic data / census data which should be considered out of date.
- The proposal will create greater runoff into the adjacent watercourse. The approved drainage strategy is insufficient and tying into that is not appropriate.
- Applications 2021/94060 and 2021/84208 would cumulatively result in a 50% increase in floor space above that approved by 2016/92298.

7.3 The site is within Cleckheaton ward. Local ward members were also notified of the proposal. Cllr A Pinnock requested to be kept informed of the process of the application.

8.0 CONSULTATION RESPONSES

8.1 Statutory

National Highways: On the matter of the safeguarded land, National highways have stated:

“it is acknowledged that this development is proposed on land that the Council have previously safeguarded in the Local Plan in anticipation of a government led Road Investment Strategy (RIS) announcement, which looked at the feasibility of bringing forward a scheme in that locality.

However, due to the nature of the junction a complex solution will be required, which raised projected costs. Additionally capacity constraints between junctions 26 and 27 on the M62 would also impact the potential benefits derived from this scheme and other solutions on the M62 would need to be looked at. As such the scheme was placed into review for consideration as part of future road investment planning.

In March 2020 the RIS2 announcement was published, this did not include this scheme for consideration/delivery during the 2020 to 2030 road periods. Therefore, the probability of National Highways progressing a scheme within the remainder of this local plan period is unlikely. As such, this application has been considered on its own merits and it remains a matter for the Council to consider if they are minded to grant a planning consent.”

On the matter of the proposal's impact on the strategic network (i.e., the motorways), giving due regard to traffic generation National Highways offer no objection.

K.C. Highways: Have been involved in discussions between the case officer and applicant to understand the highways implication of the proposal. This is covered in detail within the main report. In conclusion, subject to conditions and S106 requirements, it is considered that the proposal would not cause severe harm to the local (or strategic) highway network.

K.C. Lead Local Flood Authority (LLFA): No objection subject to conditions.

The Coal Authority: The site is within a Risk Coal Risk Area. The application is supported by a Coal Mining Risk Assessment which has been reviewed by the CA. No objection subject to conditions.

The Environment Agency: Offered initial objection due to inadequate details being provided. Further details were provided and, subject to conditions, no objection is now offered.

Yorkshire Water: No objection subject to conditions.

8.2 Non-statutory

Bradford MDC: No comments received.

K.C. Crime Prevention: Advise offered to the planning officer. Advise also offered to the applicant, on matters which fall outside of planning's remit.

K.C. Ecology: No objection subject to conditions.

K.C. Environmental Health: No objection subject to conditions.

K.C. Landscape: An informal discussion was held and advise offered on expectations for Reserved Matters stage.

K.C. Trees: No objection subject to conditions.

National Grid: No comments received.

West Yorkshire Archaeology Advisory Service (WYAAS): the site has been intensively used during the later 20th century and that there is no significant known archaeological potential within it. Therefore, no objection or conditions requested.

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Land allocation

- 10.2 The site is allocated for employment use within the Kirklees Local Plan. Regarding such land, Policy LP64 (Employment Allocations) states:

The sites listed below are allocated for employment uses (as defined above) in the Local Plan. Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map. Proposals for office use on these allocations, that are not considered as ancillary would need to comply with Policy LP13 of the Local Plan.

- 10.3 The intended use class of the site (Use Classes E(g)(ii); E(g)(iii); B2 and B8) fall within the defined 'employment uses' and are acceptable on the site.
- 10.4 ES7 has an indicative capacity of 35,284sqm (379,793.82sqft), which the proposal would exceed. The indicative capacities on the Local Plan are not hard caps and may be exceeded (or gone below) subject to due regard of material planning considerations, as set out elsewhere within this assessment.

10.5 As per the policy requirements due regard must be given to the ES7 site box information contained within the Local Plan. These are listed in paragraph 6.3 and will be considered where relevant within this assessment. However, of principle consideration is the following:

- Land to be safeguarded for M62/M606 widening scheme

The application site, and proposed building (indicative layout), fall within the referenced safeguarded land. Policy LP19 also states that Proposals that may prejudice the future development of the strategic transport network will not be permitted.

10.6 The reason for the safeguarded land is that the land was identified within the Department for Transport's Road Investment Strategy 2015/16 – 2019/20 (RIS1) to potentially host a new connection between the M62 and M606, as follows:

provision of a direct link from the M62 westbound to the M606 northbound and removing significant congestion from the main part of the existing junction

The scheme was intended to provide a new link that would prevent traffic on the M62 heading into Bradford having to use Chain Bar roundabout to get onto the M606, in the interest of improving highway efficiency.

10.7 The RIS1 was the most up to date document at the time the Local Plan was being drafted and informed National Highways (then Highways England) input into the drafting of the document. National Highways therefore requested that the above criteria be included, which was accepted.

10.8 The RIS1's plans for the direct link between the M62 and M606 never materialised and, since the Local Plan was published, the RIS1 has been superseded by the Road Investment Strategy 2020 to 2025 (RIS2). The RIS2 has omitted the plans for the direct link between the M62 and M606 and does not propose it for the 2020 to 2030 period. National Highways have given the reasoning as:

due to the nature of the junction, a very complex solution is required, which has raised projected costs. Additionally capacity constraints between junctions 26 and 27 on the M62 are impacting the potential benefits derived from this scheme. Therefore, other solutions on the M62 will need to be looked at and we have put this scheme into review for consideration as part of future road investment planning.

10.9 Therefore, the initial reason for the safeguarded land – namely planned highway infrastructure by National Highways – has been removed. National Highways offer no objection to building upon this land. In terms

of the application as a whole, they seek to comment only on its own merits (i.e., traffic generation) which are considered later in this report.

- 10.10 As the purpose of the safeguarded land has been removed, with no objection from the body responsible for its inclusion (nor K.C. Highways), there are considered no in-principle conflicts. The proposal seeks employment development upon an employment allocation and is welcomed in principle. Accordingly, there are considered no conflicts with Policy LP19 or 64. Due regard must be given to the local impact, as far as feasible at outline stage, which is outlined below.
- 10.11 No dedicated office uses (E(g)(i)) are proposed as part of this application. The inclusion of offices, at this out of centre location, would be a cause for concern and contrary to policy. While no dedicated officers are proposed, once built planning permission is not required to change a use within a use class (i.e., within the wider E use class). While the likelihood of a purpose-built commercial unit being converted to office is limited, given the potential harm that could arise at such a large amount of office floor space, it is deemed reasonable to remove the right to change via condition to avoid conflict with policy LP13.

Sustainable development and climate change

- 10.12 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.13 The application is supported by a sustainability statement which details potential measures that could be employed at the site to promote sustainable development. The sustainability statement is structured under a number of themes, and summarises how the sustainability aspirations may be delivered by a series of strategies to address key environmental, social and economic issues.
- 10.14 The measures detailed within the document are welcomed, however as the scheme is outline with all matters reserved many of the details are indicative. A condition is therefore recommended requiring a Climate Change statement at RM stage which details specific measures, built upon the sustainability statement submitted at OL stage.
- 10.15 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would

need to account for climate change. These factors will be considered where relevant within this assessment.

Urban Design

- 10.16 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.17 The application is made at outline with all matters reserved for a subsequent Reserved Matters application. However, while specific details are not available for consideration, officers must consider whether any prohibitive reasons exist why appropriate details could not be provided later. The application is supported by a Landscape Visual Impact Assessment and indicative block plan which demonstrates how the site may be developed.
- 10.18 At present the site hosts unused wastewater structures and small area of pasture field. Due to topography and existing manmade structures / infrastructure views towards the site are limited; the M62 and M606 screen distance views from the south and west respectively. Near views from the motorways, which sit higher than the site, would be limited and fleeting. Furthermore, commercial units along the motorway corridor would not appear unusual. Rising topography and Hanging Wood screen distance views from the east, with no close public access, while from the north the proposal would be seen in the context (and likewise largely screened) by the new commercial units. The most prominent viewpoints, other than from within the site, will be close / moderate distance from Chain Bar roundabout (and the slip roads off the M606 onto the roundabout) immediately to the south.
- 10.19 The applicant's LVIA makes the following conclusion on the setting of the proposal:

The proposed development is of a similar scale and design to the approved development and it is therefore considered that the proposed development will be in context with its surroundings as a part of the wider approved development envelope. Proposed mitigation planting of native trees and hedgerows around the southern and western boundaries will help to assimilate the built form in its setting when it starts to reach maturity. It is not considered that this land makes an important contribution to the character and setting of any identified settlement or historical asset

- 10.20 Officers concur with the above assessment. The site has low impact on the wider environment with limited views, from both near and far viewpoints, into it. While all design matters are reserved, the design is expected to replicate the other modern commercial units on the site. It would not be the largest structure within the wider re-developed site and is expected to sit on a lower ground level than those already build, with the plateau indicated to be dug into the land when viewed from the south / west viewpoints. Appropriate screening / planting via landscaping would be required to assist in softening the land between the commercial structure and highway network, but there are no prob
- 10.21 Notwithstanding the above, application 2016/92298 sought a maximum height of the units of 18m which has been adhered to by the other units (based on the LIVA submitted at that time). In the interest of design, coherency, and in accordance with master-planning principles, continuing this stipulating is deemed reasonable and may be secured via condition.
- 10.22 Subject to this condition, there are considered no prohibitive reasons why an appropriate design, specifically layout, appearance, scale, and landscaping, could not be provided at Reserved Matters stage to ensure compliance with the relevant policies. As such, the proposal is deemed to comply with Policies LP2 and LP24 of the Kirklees Local Plan.

Residential Amenity

- 10.23 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.24 The nearest property to the application's red-line boundary is circa 190m away, with the M606 and Bradford Road interceding. However, the indicative plan indicates a buffer / landscaped area which would increase the building-to-building separation distance to over 300m. Other residential properties, to the north, are in excess of 500m from the site as well as having the other new commercial units sited between. Based on these separation distances officers consider there to be no fundamental concerns that harmful overbearing, overshadowing, or overlooking would be caused, to be fully assessed at Reserved Matters stage (layout, scale, appearance).
- 10.25 The application is supported by a Noise Impact Assessment which has been reviewed by K.C. Environmental Health. As all matters of specific design are reserved, the report highlights the limitation of certainties at this time, however the report makes reasonable assumptions to reach its conclusion.
- 10.26 While not disputing the conclusion, K.C. Environmental Health consider it premature without the actual particulars being provided. However,

they accept there is no fundamental noise concern by virtue of the separation distance. A condition is therefore recommended for a further noise impact assessment, at Reserved Matters stage, once details on the particulars are known. A condition relating to mechanical plan and limiting noise it may produce is also recommended.

- 10.27 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.28 To summarise, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

Highway

- 10.29 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.30 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.31 The application is outline with all matters, including access, being reserved. Therefore, details relating to the development's internal layout (such as parking, servicing, and other development specific matters) are to be determined at the Reserved Matters stage. Based on the size of the site and indicative plans there are no fundamental concerns that appropriate internal arrangements could not be accommodated.

- 10.32 Notwithstanding the above, due regard must be given to the impacts in the wider area, which can be considered based on a 'worse case' scenario of the proposed use and floor area, plus the existing road network.

Access and off-site works arrangements

- 10.33 Access is a reserved matter; however, given the limited options available it would inevitably be taken from the new road (currently unnamed) serving the northern units. This road itself takes access from Cliff Hollins Lane. Site allocation ES7 notes that the access road will require widening into the site, as well as improvements to the junction with Cliffe Hollins Lane and that additional mitigation on the wider highway network may be required. However, as part of 2016/92298, or the 'northern site', a suite of highway improvements was secured, both around the new junction and wider network. These improvements were:

1. works on the Bradford Road approach to M62 Junction 26 Chain Bar, providing an improved alignment to the junction, changes to signage, and a third lane for direct access to the M606
1. Mill Carr Hill Road/Bradford Road junction improvements for the widening of Mill Carr Hill Road to provide a right turn facility at the junction, new pedestrian footways, pedestrian refuge
2. Re-alignment of the Carr Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliff Hollins Lane and the development site, new pedestrian footways, pedestrian refuge
3. Site access- realignment of Cliff Hollins Lane
4. 7.5 tonne lorry bans to Wyke lane and Cliff Hollins Lane

Note: For the avoidance of doubt the above works do not form part of this planning permission and have been previously secured as part of 2016/92298. They are listed here for information purposes only.

- 10.34 Given they have the same access arrangements, to ensure appropriate arrangements the above works are also required to facilitate the current development on the now proposed 'southern site' (see the following section for the assessment on proposal's traffic generation). Plans for points 2 – 4 are advanced, with works having started and bonds being paid to the Council to ensure they are completed. Therefore, there is considered no reasonable likelihood of them not being completed before the 'southern site' development comes forward and it is not considered necessary to impose a condition for those works as part of this application. For point 1, the improvements have been fully designed (agreed between the applicant, Highways Authority, and

National Highways) and are currently out to tender. Until the tender is agreed the bond and S278 agreement cannot be completed; while it remains secured as part of 2016/92298, as there is a less definitive timeframe for the delivery of the works in point 1, it is deemed necessary to include a similar condition on this development: to ensure the improvements are in place before this development comes into use.

- 10.35 In addition to the already secured highway improvements, following further discussions with the applicant, they have now agreed to provide an improved cycle/footway link that would connect from the site access along the west side of Cliff Hollins Lane, up to the Cliff Hollins Lane/Mill Carr Hill Road junction and then west along the south side Mill Carr Hill Road, before terminating on the far side of the M606 overbridge (it is noted that no improvements can be provided beyond this point, due to highway boundary constraints). This improvement would be achieved by widening the existing footway and would link to the cycle/footway that is already being provided within the 'Northern' site access S38 road. This extended cycle/footway will provide an additional 250m of off-carriageway cycling provision, enabling development cyclists (and other users) to be separated by turning traffic at the Cliff Hollins Lane/Mill Carr Hill Road junction, which accords with the principles set out in LTN 1/20. This may be secured via condition (It should be noted that this would be subject to Traffic Regulation Order applications, which are subject to separate public consultation and assessment processes. Should the TRO applications be refused, it would demonstrate that the works are unfeasible. Highway improvements should only be implemented to the extent that they are reasonable).
- 10.36 Given the scale and nature of the development officers recommend a Construction Traffic Management Plan (CTMP) be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.

Traffic Generation and Impact on the network

- 10.37 The proposal has been assessed against the potential for either 100% B2, 100% B8, or 50% B2 (6,077 m²) / 50% B8 'Parcel Distribution' (6,000m²) type uses, with the latter being the highest peak hour traffic generating uses that would be proposed. Based on the trip rates for the highest peak hour traffic generating uses (50% / 6,077 m² B2 Industrial use & 50% / 6,000m² B8 Parcel Distribution use), the 'Southern site' is

estimated to generate the following 'worse case' weekday network peak hour vehicle trips:

		Traffic Generations - North Bierley - Southern site					
		AM Peak (0800-0900)			PM Peak (1700-1800)		
		Arr.	Dep.	Total	Arr.	Dep.	Total
Parcel Distribution (6,000sq.m)	Total Vehicles	23	23	46	27	28	55
	OGV's	1	6	7	4	2	6
Industrial (6,077sq.m)	Total Vehicles	32	6	38	4	26	30
	OGV's	2	1	3	1	0	1
Total	Total Vehicles	55	29	84	31	54	85
	OGV's	3	7	10	5	2	7

Note: OGV = Ordinary Goods Vehicle

10.38 The above is predicated on the 'worse case' scenario having a 50% use of the site as Parcel Distribution. As the greater traffic generator, a greater than 50% Parcel Distribution use would be expected to have higher than assessed impacts on the network. Therefore, should planning permission be granted for this development, it would be necessary to restrict by condition the level of B8 'Parcel Distribution' use to 6,000m².

10.39 The generated traffic would be dispersed across the surrounding network; using traffic modelling the junctions most affected have been identified and the proposal's impact on their capacity assessed. These junctions are:

- Cliff Hollins Lane / Access Junction
- Cliff Hollins Lane / Mill Carr Hill Road Junction
- Bradford Road / Mill Carr Hill Road Junction
- Chain Bar Roundabout

10.40 The applicant's technical submission has demonstrated that these junctions would operate satisfactorily post development. K.C. Highways Development Management (HDM) have reviewed the applicant's submission and conclude that the 'Southern' site development traffic can be accommodated on the local highway network (following completion of the improvements associated with the 'Northern' site (considered further below)) in terms of junction capacity, based on the highest peak hour traffic generating uses that are proposed at the 'Southern' site (e.g. 50% / 6,077m² B2 Industrial use & 50% / 6,000m² B8 Parcel Distribution use).

- 10.41 Specific to Chain Bar Roundabout as part of the Strategic Road Network, National Highways were consulted. They have no objection to the proposals, subject to a condition being imposed that requires a Construction Traffic Management Plan (CTMP) to be agreed and implemented that minimises impact on the SRN, (securing a CTMP has already been recommended by officers in paragraph 10.36).
- 10.42 Notwithstanding the above, local concerns have been raised regarding the additional traffic that may be generated from the entire development site (both the Northern and Southern sites) that could access the site via Cliff Hollins Lane and Mill Carr Hill Road to/from East Bierley and Bierley respectively, due to the nature and alignment of these roads.
- 10.43 To address these concerns, the consented Northern site development is required to fund the promotion of a 7.5T weight restriction on Cliff Hollins Lane to the east of the development site (as well as Wyke Lane to the west), to prevent large commercial vehicles from using these routes to access the site, to complement the similar restriction that is already in place on Mill Carr Hill Road. These new restrictions have now been approved and the necessary Traffic Regulation Orders are due to be come into effect shortly once the appropriate signage has been installed.
- 10.44 To further discourage commercial development traffic from the proposed 'Southern Site' from utilising Cliff Hollins Lane and Mill Carr Hill Road, it is recommended that a Delivery and Service Management Plan (DSMP) is secured by condition, which should include measures to discourage commercial light van (e.g., those below 7.5T) traffic from using these routes.
- 10.45 HDM have also consulted with the Council's Road Safety Team and their HDM counterpart at Bradford MDC to determine whether any additional measures could be introduced on Cliff Hollins Lane and Mill Carr Hill Road. However, given that there is no recent history of Personal Injury Collisions (PIC) on these routes (there has been a single slight incident on Cliff Hollins Lane and none on Mill Carr Hill Road over the latest 5 year period) and as traffic flows are now lower than assessed in the original Transport Assessment undertaken for the 'Northern Site' approval (the 2017 TA identified two-way peak hour flows of up to 266 & 359 vehicles on Cliff Hollins Lane and Mill Carr Hill Road respectively, following completion of the 'Northern Site' development), then no additional measures are considered to be appropriate at this time.
- 10.46 However, it has been agreed with the Councils Road Safety Team and Bradford MDC that if traffic flows were to increase in future on Cliff Hollins Lane and Mill Carr Hill Road, beyond the levels that have previously been accepted (e.g. up to 266 & 359 two-way hourly flows on Cliff Hollins Lane and Mill Carr Hill Road), then consideration could be given to providing additional/amended Traffic Regulation Orders

(TRO) or other suitable measures (e.g. lining/signing improvements) on these routes, which could include the introduction of 'No Motor Vehicle - Access Only' TRO restrictions. Therefore, it is recommended that a S106 obligation is secured to monitor traffic flows on these routes, and if necessary, provide funding for the additional/amended Traffic Regulation Orders (TRO) or other suitable measures, should these be deemed necessary/appropriate by the Local Highway Authorities. A summary of the suggested S106 obligation is as follows:

1. The landowner to procure (at their expense) an annual 1 week automatic traffic count on Cliff Hollins Lane and Mill Carr Hill Road (date and location to be agreed), and provide the data to the Local Planning Authority for review. This monitoring would be required for a period of up to 5 years following full occupation of the sites (both the 'Northern' and 'Southern' sites).
1. Should the annual monitoring data identify that the peak hourly traffic flow exceed 266 two-way movements on Cliff Hollins Lane or 359 two-way movements on Mill Carr Hill Road, consideration will be given by both Local Highway Authorities to decide whether to proceed with any additional/amended Traffic Regulation Orders (TRO) or other suitable measures on these routes.
2. Should a decision be made to not proceed with any new measures at that time, Stages 1 and 2 would be repeated the following year.
3. However, should the Local Highway Authorities decide to promote the new measures, the landowner would be required to fund the necessary measures. To fund the additional/amended Traffic Regulation Orders (TRO) or other suitable measures on these routes, including any signing/lining improvements, a financial contribution of £15,000 for each route will be required, which equates to a total contribution of **£30,000**.

Accessibility, Sustainable Transport and Travel Plan

- 10.47 Due to the site's location at the end of a circa 700m long industrial estate road, the extent to which the local areas are accessible on foot is relatively low, which is confirmed on the walking isochrone plan provided by the applicant. The M606 and M62 to the south and west form barriers to movement. The isochrone plan also confirms that Low Moor Railway station is not within walking distance of the site. As such, it is clear that pedestrian accessibility is poor and few staff are likely to walk to the development site.
- 10.48 As walking is likely to be an unattractive option for most staff, cycling offers a viable alternative. As such, the provision of the extended cycle / footway that has now been proposed by the applicant along Cliffe Hollins Lane and Mill Carr Hill Road is welcomed, and will help to

encourage cycle use to both the Northern and Southern development sites.

- 10.49 The nearest bus stops on Bradford Road are circa 1.2km walk from the development site and Low Moor Railway station is over 2km from the development site. Therefore, public transport is unlikely to be an attractive option for staff at the development. However, it is noted that the nearest bus stops on Bradford Road are due to be upgraded with real-time displays, via funding from the 'Northern' site development (funding to be provided prior to first occupation), which will enhance the existing level of provision.
- 10.50 A Framework Travel Plan has been provided in support of the development, which is proposed to be developed further once an end user has been identified. This approach is acceptable, and a suitably wording planning condition can be used to secure this. Kirklees Council require Travel Plan monitoring fees to be secured as part of the S106 agreement. For a development of this scale (classed as a 'Large Scale Major Development' that is in excess of 10,000m²) the fee is **£15,000** (£3,000 per year for 5 years) and should be secured via a S106 agreement

Highways, summary

- 10.51 While access is a reserved matter, the proposal is expected to use the access as approved via 2016/92298, which is considered acceptable. That application included various improvements to the local highway network which this development would benefit from. The traffic generation of the proposal has been assessed and could be accommodated on the local and strategic network (as improved via 2016/92298) without issue. Options to improve sustainable travel to and from the site have been explored, including securing the provision of a cycle lane (subject to TRO) and travel plan.
- 10.52 In light of the above, officers are satisfied that the proposal would not harm the safe and effective use of the highway network, in accordance with the aims and objectives of Policies LP19, LP20, and LP21 of the Local Plan.

Drainage and Flood Risk

- 10.53 The application is supported by a Flood Risk Assessment, which includes indicative Surface Water Drainage details. These documents have been reviewed by the Lead Local Flood Authority (LLFA), the Environment Agency (EA) and Yorkshire Water.
- 10.54 The site is primarily within Flood Zone 1, however parts of the redline do extent into Flood Zone 2 and 3 adjacent to Hunsworth Beck along the east of the site (and partly to the north, presumably following artificially levelled land). The indicative details however demonstrate

that the development can comfortably be fitted entirely within Flood Zone 1 and there is no fundamental reason why works will be required within either Flood Zone 2 or 3. The Environment Agency have requested a condition that development be undertaken in accordance with the submitted FRA (and supporting document), specifically that the finished floor levels be set above (92.0mAOD) and that no works take place within Flood Zone 3. Given the details provided, this is considered a reasonable approach to ensure the development neither suffers from, or exacerbates, flood risk.

- 10.55 Progressing to surface water drainage, as an outline application with all matters reserved a fully detailed drainage strategy cannot be expected at this time. However, sufficient detail to demonstrate the fundamentals of such a scheme are required, such as demonstrating discharge points and that appropriate attenuation is feasible.
- 10.56 In terms of discharge point the applicant has followed the drainage hierarchy. It has been demonstrated that infiltration is not feasible, so it is proposed to discharge into Hunsworth Beck, which is acceptable. The proposal seeks a discharge rate of 12.15 l/s, which would represent a comparable greenfield runoff rate (based on 5.0 l/s per ha for a 2.42 ha developable area site). An indicative attenuation strategy, consisting of a tank and basin, has been provided to show demonstrate feasible attenuation arrangements.
- 10.57 The discharge point and rate are considered acceptable to the LLFA. The indicative attenuation details are not objected to, although further details would be required to undertaken full assessment. However, as an outline application with all matters reserved such detail cannot be sought at this time. Nonetheless, based on the details provided, the LLFA and officers are satisfied that appropriate details may be provided at Reserved Matters stage, to be secured via the following conditions:
- Detailed drainage strategy, to include management and maintenance arrangements, to be provided at Reserved Matters stage (layout)
 - Surface water flood routing strategy to be provided at Reserved Matters stage (layout)
- 10.58 In addition, the LLFA have requested the following conditions, which would be required pre-commencement:
- Details of temporary surface water drainage arrangements, during construction (pre-commencement)
 - Oil separator to be installed within hard surfaced areas / car park (pre-commencement)
- 10.59 Officers support the inclusion of the above conditions and recommend their inclusion. Subject to these, the LLFA offer no objection.

10.60 The proposal has also been reviewed by Yorkshire Water, and the site is a former Yorkshire Water facility which retains some function. Yorkshire Water have therefore requested the following conditions:

1. Development to be done in accordance with the submitted Flood Risk Assessment
1. No development within easement of sewers within the site (unless diversion agreed)
2. Arrangement for ensuring permanent access to the Moored Combined Sewer Overflow and the associated syphon sewer
3. Foul water arrangement details to be provided.
4. Details of surface water outfall to be approved.
5. measures to protect the public sewerage infrastructure that is laid within the site to be provided.
6. The site shall be developed with separate systems of drainage for foul and surface water on and off site

Except for the requested conditions 1 and 5, which would replicate the details required by the EA and LLFA, the above conditions are considered reasonable to ensure adequate drainage and foul water arrangements and protected existing infrastructure.

10.61 Considering the above, subject to the proposed conditions, the proposal is considered by officers to comply with the aims and objectives of policies LP28 and LP29 of the Local Plan.

Other Matters

Air quality

10.62 The application is supported by an Air Quality Assessment which has been reviewed by K.C. Environmental Health. The assessment details the impact the development will have on existing air quality, and how this will impact existing sensitive receptors by considering dust emissions during the construction phase, and air pollution from the additional traffic travelling to and from the development during the operational phase.

10.63 First considering the additional traffic generation, having assessed the report, K.C. Environmental Health agree with the overall methodology and approach undertaken. They concur with the conclusions of the report that for the operational phase of the development concentrations of the relevant pollutants would not be exceeded at any of the modelled receptor locations. Therefore, no concerns are raised.

10.64 For the construction phase, it is accepted that there is a potential impact from fugitive dust upon nearby dwellings. The report concluded that there is the potential for air quality impacts as a result of fugitive dust emissions from the site, from earthworks, construction and track-out, but that these impacts could be controlled by the implementation of

good practice dust control mitigation. Site specific mitigation measures are provided to prevent this, which are accepted by K.C. Environmental Health, and are recommended to be secured via condition.

- 10.65 Notwithstanding the above a condition is recommended for provision of Electric Vehicle Charging Points (1 per 10 parking spaces). The purpose of this is to promote modes of transport with low impact on air quality. Subject to this, the proposal is considered to comply with the aims of Policies LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance

Coal legacy

- 10.66 The site falls within the Coal High Risk Zone. The applicant has provided a Coal Mining Risk Assessment which has been reviewed by the Coal Authority.
- 10.67 The Coal Authority do not object to the proposal, subject to the imposition of conditions. These include appropriate site investigations taking place to inform the Reserved Matters proposals and, if needed, appropriate remediation measures. This is to avoid future complications / issues between the new building and historic coal workings. Subject to the imposition of the requested conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

Contamination

- 10.68 Due to its past use the site, and adjacent land, has the potential to include contaminated land. The application is supported by Contaminated Land investigation reports, which have been reviewed by K.C. Environmental Health.
- 10.69 The applicant has submitted Phase 1 and Phase 2 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, the phase 2 has not due to insufficient information. Nonetheless, this would not form a prohibitive issue for development. Accordingly, Environmental Health recommend conditions relating to further ground investigations. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

Crime Mitigation

- 10.70 K.C. Designing Out Crime have expressed no in-principle objections to the development, subject to appropriate crime mitigation measures coming forward. Given that such features would fall under the remit of Reserved Matters, this will be considered further during the subsequent application with no specific condition deemed necessary at this time.

Infrastructure on site

10.71 A High-Pressure Gas Pipeline and Overhead Powerlines cross allocation ES7 and the proposed building (based on indicative layout) is expected to fall within their zones of influence.

10.72 Northern Gas were consulted on the proposal and they issued an initial objection. This is commented to be standard procedure from Northern Gas when development is proposed within the hazard zone around one of its pipes. This led to a meeting between the developer and Northern Gas where the proposal was discussed in detail. Northern Gas remove their objection subject to a condition requiring that, if the building is within 140m of the gas pipe (the hazard zone) either;

- a) demonstrating that there are no significant safety or risk issues caused by the proposed building and its associated population increase; or
- a) include a written management scheme, which seeks to minimise any safety and risk issues caused by the increased working population within proximity of the high-pressure gas pipeline.

Officers consider this to be a reasonable approach to resolve the matter.

10.73 On the matter of the Overbear Powerlines, National Grid were consulted but no response was received. National Grid have an advisory document 'Development near overhead lines', where the following is sated:

Since it does not own the land, it [National Grid] cannot prevent development close to or under overhead lines (although, of course, safe electrical clearances must be maintained). It has sometimes been suggested that minimum distances between properties and overhead lines should be prescribed. National Grid does not consider this appropriate since each instance must be dealt with on its merits. However, it has always sought to route new lines away from residential property on grounds of general amenity. Since the only limitation on new development has been the statutory safety clearances (Appendix III), a large amount of residential and other development has been carried out subsequently beneath and adjacent to overhead lines.

10.74 Compliance with the statutory safety clearances, and other matters relating to relationship with the powerlines, are considered a private matter for the applicant and National Grid. It is noted that the proposal is for employment use, and the new building would be no closer to the powerlines than the buildings elsewhere on the site.

10.75 In light of the above, officers are satisfied that the proposal would neither raise health and safety concerns, nor risk harm to existing infrastructure.

Trees and Ecology

- 10.76 Tree cover within the site is intermittent and, with none being close to the public realm, are of limited public amenity. Nonetheless based on the indicative layout the application's detailed Arboricultural Impact Assessment shows that there will be minimal impact on the existing trees on site. K.C. Trees offer no objection to the proposal.
- 10.77 The proposal is supported by an Arboricultural Method Statement and Tree Protection Plan which demonstrates how the trees on site would be protected. However, as layout is reserved and the submitted details are predicated on an indicative layout, it is considered premature to accept the submitted details. Nonetheless, they demonstrate no prohibitive issues relating to trees and the proposed development. A condition is therefore recommended requiring the Reserved Matters of layout and landscaping to include an updated Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan, to reflect any changes to the layout.
- 10.78 Hanging Wood Ancient Woodland is to the south of the site. The application's redline has a minimum distance of 18m from the Ancient Woodland, although this is typically greater as the intervening Hunsworth Beck meanders on the boundary. The indicative layout of the building shows a separation in excess of 60m. Based on these distances and the presence of Hunsworth Beck there are no concerns over the impact on the ancient woodland.
- 10.79 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.80 The application is supported by an Ecological Impact Assessment (EclA). This provides an overview of the site's ecological characteristics and considers the impact of the development. The site consists of a mixture of brownfield (vacant) land, neutral grassland, and mixed scrub. There is also Hunsworth Beck to the east of the site and a small unnamed watercourse that culverts under the site to the north-west. Part of the site, largely the areas of Grassland and Mixed Scrub, fall within the Council's Wildlife Habitat Network. Nonetheless, the habitats on site are deemed to have limited, local value only. Through introducing new development the proposal will result in a loss of habitat (not the identified water environment), however the impact of this may be offset through habitat enhancements on-site (or nearby).
- 10.81 The application is supported by a baseline assessment of the site's ecological value. As an outline, with all pertinent matters reserved (layout and landscaping), complete net gain calculations which show how a 10% improvement would be secured on site (or nearby) cannot

be fully undertaken. Nonetheless, the applicant has undertaken an indicative assessment using reasonable expectations to demonstrate how 10% enhancement may be deliverable on site. This, plus the site's baseline calculations, establish starting point and identifies no prohibitive reason why future net gain cannot be secured. A condition is recommended requiring the Reserved Matters (of layout and landscape) to including an Ecological Design Strategy (EDS) which demonstrates how 10% ecological net gain would be secured on site.

- 10.82 Appropriate survey work has been undertaken relating to local species. The site has the potential to host bird foraging and nesting, with limited value for local bat species. Surveys have confirmed the likely absence of crayfish. Three conditions are considered necessary to ensure no direct harm to local species;

- a lighting designs strategy, to ensure lighting does not affect
- Restrict site clearance to outside of bird breeding season (unless appropriate surveys are undertaken)
- Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity), to ensure temporary construction processes are appropriately managed.

Subject to these conditions, plus the net gain / habitat improvements to be secured within the EDS, officers are satisfied there would be no undue harm to local species.

- 10.83 Invasive plant species (Himalayan Balsam and Japanese Knotweed) have been identified along Hunsworth Beck. Therefore, a condition for an invasive species management plan is recommended, to avoid spreading invasive species.

- 10.84 While an outline application with all matters reserved, the submitted Ecological Impact Assessment has appropriately demonstrated that it is possible to develop the site for commercial use without causing harm to local ecology and while providing the required biodiversity net gain. Accordingly, subject to the given conditions, the proposal is deemed to be in accordance with relevant local and national policy, including Local Plan policy LP30 and chapter 15 of the NPPF.

Representations

- 10.85 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

- The proposed development would result in the coalescence of Bradford and Cleckheaton, contrary to the Inspector's comments at the Local Plan hearings, specifically relating to the release of Green Belt land.
- The land is Green Belt and should not be developed

Response: The land in question is Employment Allocation within the Local Plan. It was removed from the Green Belt through the Local Plan process. The following is extracted from the Inspector's letter, when considering whether it was approved to remove the site from the Green Belt:

The site is brownfield land and has now gained outline planning permission for redevelopment for employment uses. The site is located in the M62 corridor, and development in this strategic location would help to meet the needs of businesses and generate new jobs. The site lies in part of the Green Belt gap between Hunsworth and Woodlands. However, the site is previously developed land which contains existing buildings and structures, and a clear physical gap would remain. The site is also contained by woodland and slopes to the east and by the M62 and the M606 to the west and south, and therefore has a limited relationship with the wider countryside. Taking account of these factors I conclude that exceptional circumstances exist to justify removal of the site from the Green Belt.

An area of land to the north of this site was removed from the allocation and kept as Green Belt, to assist in keeping the settlements distinct.

- Vehicles accessing the site have caused damage to the road and require no vehicles to be parked opposite the junction between Mill Carr Hill Road and Cliff Hollins Lane.
- The original approval was for lighting industrial, but has changed to transport and warehousing.
- The developer of the site has breached planning conditions several times.

Response: The above refer to Outline application 2016/92298 and its subsequent Reserved Matters. That is a separate application with different land owner. Therefore, the above comments carry no weight in this application, although it is noted that 2016/92298 did permit both light industrial (B1(c) and B2) and transport / warehouse (B8) uses.

- Access should be directly from the M606 or Chain Bar roundabout.

Response: The site access from Cliff Hollins Lane has been established via 2016/92298. Expecting this single unit to be served from M606 or Chain Bar would be unreasonable and unnecessary. As part of 2016/92298 access from the M606 and Chain Bar was considered and discounted as being against national highway policy.

- The applicant's report is based on 2011 traffic data / census data which should be considered out of date.

Response: The 2021 census data has not been released yet and the 2011 is still the most up to date.

- The proposal will create greater runoff into the adjacent watercourse. The approved drainage strategy is insufficient and tying into that is not appropriate.

Response: The application has demonstrated appropriate drainage arrangements, including

- Applications 2021/94060 and 2021/94208 would cumulatively result in a 50% increase in floor space above that approved by 2016/92298.

Response: The floorspace cap referred to above was based on the details held at that time. Each application is assessed against its own merits, with this application (and the details provided with 2021/94060) sufficient to demonstrate an increased figure is acceptable.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The site is an Employment Allocation, where employment generating uses such as that proposed are to be welcomed in principle. While the proposal falls within land safeguarded at the time the Local Plan was drafted, the reason for safeguarding is no longer present. Therefore, there are no principle concerns over the proposal.
- 11.3 The application is outline with all matters reserved. Nonetheless due regard has been given to the proposal's material planning impacts, such as upon local ecology, highways, and drainage, and consideration of whether any prohibitive reasons would prevent acceptable details coming forward at reserved matters stage.
- 11.4 No issues have been identified and the proposal is deemed to comply with the relevant local and national policies. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three years to commence development.

1. Development to be carried out in accordance with the approved plans and specifications
2. Reserved Matters (layout, scale, appearance, landscape) to include updated Sustainability Statement, built upon indicative provisions detailed in outline Sustainability Statement
3. Building not to exceed 18m in height.
4. Construction Environmental management Plan (CEMP)
5. Noise impact assessment to be provided at RM stage
6. Control on plant equipment noise level
7. Development to be done in accordance with dust mitigation measures
8. Limit on development floor area (max. 12,077m² GFA), with specific restriction on Parcel Distribution/'Last Mile Delivery' use (max. 6,000m² GFA).
9. Design and the implementation of cycle / footway improvement on Cliff Hollins Lane and Mill Carr Hill Road.
10. No development to be occupied, prior to completion of the site access and off-site highway improvements Bradford Road (approach to M62 Junction 26 Chain Bar, providing an improved alignment to the junction, changes to signage, and a third lane for direct access to the M606)
11. Detailed Travel Plan to be submitted / implemented.
12. Delivery and Servicing Management Plan (DSMP) to be submitted / implemented.
13. Construction Traffic Management Plan (CTMP) to be submitted / implemented.
14. Highway condition survey and remediation.
15. Development be undertaken in accordance with the submitted FRA (and supporting document), specifically that the finished floor levels be set above (92.0mAOD)
16. Detailed drainage strategy, to include management and maintenance arrangements, to be provided at Reserved Matters stage (layout)
17. Surface water flood routing strategy to be provided at Reserved Matters stage (layout)
18. Details of temporary surface water drainage arrangements, during construction (pre-commencement)
19. Oil separator to be installed within hard surfaced areas / car park (pre-commencement)
20. No development within easement of sewers within the site (unless diversion agreed)
21. Arrangement for ensuring permanent access to the Moorend Combined Sewer Overflow and the associated syphon sewer
22. Foul water arrangement details to be provided.
23. Details of surface water outfall to be approved.
24. measures to protect the public sewerage infrastructure that is laid within the site to be provided.
25. The site shall be developed with separate systems of drainage for foul and surface water on and off site
26. EVCP (1 per 10 spaces)

27. Contaminated Land (Phase 2, Remediation, Validation)
28. Arboricultural Reports to be provided at Reserved Matters (layout and landscape) stage.
29. Ecological Design Strategy, to secure 10% net gain based on provided baseline.
30. No site clearance within bird breeding season (unless survey undertaken)
31. Lighting Strategy for Ecology
32. CEMP: Biodiversity
33. Invasive species management plan

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94208>

Certificate of Ownership

Certificate B signed.

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 11.05.2023.

Application Number: 2021/94208

Officer Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- Traffic monitoring and £30,000 (£15,000 x 2) towards potential traffic management schemes at Cliff Hollins Lane and Mill Carr Hill Road
- £15,000 for Travel Plan monitoring (£3,000 x 5 years).

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Committee Decision: Approve officer recommendation, subject to securing a meaningful increase in contributions towards any potential traffic management schemes at Cliff Hollins Lane and Mill Carr Road.

Post committee update

Officers negotiated with the applicant to secure member's requested 'meaningful increase'. This included K.C. Highways undertaking a more thorough assessment of potential TRO improvements, including more extensive works, to Cliff Hollins Lane and Mill Carr Hill Road. A figure of £92,500.00 was reached and accepted by the applicant. At over three times the original figure, officers are satisfied that this represents a 'meaningful' increase alongside being reasonable given the detailed assessment that informed the figure undertaken by K.C. Highways.

The S106 was thereafter drafted. This included input from Bradford M.C., given that Mill Carr Hill Road enters their district. The S106 was agreed between all relevant parties. It was signed and sealed 11.10.2023.

The conditions were drafted, shared with the applicant, and agreed in writing, alongside an Extension of Time Agreement.

Conditions and Reasons

Time limits, commencement period, phasing, and approved plans

1. Prior to development commencing within a given phase, pursuant to the phasing details approved via condition 6, full details of the access, appearance, landscaping, layout and scale of the site (hereinafter called 'the reserved matters') for that phase shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this permission, all references to a 'phase' or 'phase of development' shall be interpreted as being a reference to a phase as defined on a phasing plan to be submitted pursuant to Condition 6.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. Plans and particulars of the Reserved Matters referred to in Condition 1, relating to the access, appearance, landscaping, layout and scale of the site,

shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval of different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission (which shall in all cases take precedence) and except as may be specified in any subsequent minor or non-material amendments approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to what is being permitted.

6. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan should include details on buildout phases and the provision of infrastructure including, but not limited to, highways and drainage. The development shall be implemented in accordance with the approved phasing plan.

Reason: To define the scope of this permission and to provide clarity in relation to the progression of development across the site.

Development to be undertaken in accordance with

7. The hereby approved development does not authorise the operation of a 'Last Mile' and/or 'Parcel Distribution' distribution use. 'Last Mile' and/or 'Parcel Distribution' is hereby defined as any single parcel undertaking its last leg of a journey from a transportation hub to a final destination, based upon the nationally recognised TRICS (Trip Rate Information Computer System) database definition.

Reason: In the interest of highway safety, to ensure the development operates within the parameters of the assessment undertaken, in accordance with LP21 of the Kirklees Local Plan.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: To prevent and manage flooding and drainage issues, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

9. No building or other obstruction, including trees and landscape features, shall be located over or within 6 (six) metres either side of the centre lines of all sewers with a diameter equal to or greater than 600 mm i.e., a protected strip widths of 12 (twelve) metres per sewer that cross the site. If the required stand-off distances are to be achieved via diversion or closure of any sewers, the developer shall submit evidence to the Local Planning Authority that the relevant diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In the interest of public health and maintaining the public sewer network, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

10. The development shall be carried out in accordance with the submitted flood risk assessment 'Flood Risk Statement and Drainage Strategy – 1926 North Bierley' produced by Civic Engineers dated 27 October 2021, the supplementary FRA report by Civic Engineers dated 2 March 2022, reference '1926 – North Bierley – Letter to EA', drawing ref. 1926-CIV-XX-XX-GA-C-00001 revision P02 dated Jan 2022, and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 92.0 mAOD, as detailed in sections 2 and 3 of the supplementary FRA
- No development shall take place within flood zone 3 as shown on drawing 1926- CIV-XX-XX-GA-C-00001 revision P02 dated Jan 2022

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interest of flood safety, to comply with Policy LP27 of the Kirklees Local Plan.

11. The removal of vegetation and any buildings present should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause the destruction of nests or disturbance to the resident birds, must cease until the young have fledged.

Reason: In the interests of biodiversity of the site, in accordance with LP30 of the Kirklees Local Plan.

12. The development (construction phase) shall be undertaken and completed in accordance with the mitigation measures to control fugitive dust emissions detailed in Appendix 5 section 5.1.15 (page 17 - 18) of the Air Quality Assessment (ref: LD10272) (dated October 2021) by Wardell Armstrong of the Environment Statement Update Volume 1: Main Report - North Bierley Phase 2 (dated October 2021). These measures shall be retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with LP52 of the Kirklees Local Plan.

Details to be provided at Reserved Matters stage

13. Plans and particulars relating to the Reserved Matters of layout, scale, appearance, and landscape shall comply with the restrictions detailed within the Parameters Plan, ref. "1773-01 223", specifically limiting the total maximum floorspace to 12,077sqm, building height to be no greater than 18.0m at any given point, and the construction and landscaping areas to those defined within the plan.

Reason: In the interest of visual amenity and highway safety, in accordance with policies LP21 and LP24 of the Kirklees Local Plan.

14. Plans and particulars relating to the Reserved Matters of layout and landscape, of any phase of development approved pursuant to condition 6, notwithstanding the submitted details, shall include a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned). The scheme shall include a maintenance and management plan for surface water infrastructure. No phase of development shall be brought into use until the approved drainage scheme has been provided to serve the phase. The approved drainage strategy shall be retained thereafter.

Reason: To prevent and manage flooding and drainage issues, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

15. Plans and particulars relating to the Reserved Matters of layout and landscape, of each phase approved pursuant to condition 6, notwithstanding the submitted details, shall include an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions. Flood routing shall avoid buildings and utilise the road network and open spaces. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To prevent and manage flooding and drainage issues, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

16. Plans and particulars relating to the Reserved Matters of layout and landscaping, of each phase approved pursuant to condition 6, notwithstanding the submitted information, shall be supported by an Arboricultural Impact Assessment, Arboricultural Method Statement, and a Tree Protection Plan. Thereafter the development shall be undertaken in accordance with the measures detailed within the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: The submitted details are based on indicative details, and therefore up to date details will be required at reserved matters stage, in the interest of

visual amenity and preserving trees, to comply with LP24 and LP33 of the Kirklees Local Plan.

17. Plans and particulars relating to the Reserved Matters of layout and appearance of each phase approved pursuant to condition 6, notwithstanding the submitted information, shall include a Noise Impact Assessment report by a suitably competent person. The report shall include:

- a) An assessment of all of the noise emissions from the proposed development
- a) Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- b) A written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

Each phase shall not be brought into use until the respective works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure appropriate noise mitigation measures are secured, in the interest of amenity, to comply with LP24 and LP52 of the Kirklees Local Plan.

18. Plans and particulars relating to the Reserved Matters of layout, scale, appearance, and landscape of each phase approved pursuant to condition 6, notwithstanding the submitted information, shall include a Climate Change Statement which details how climate change mitigation has been considered through the design process. This shall include, but not necessarily be limited to, the consideration of:

- Reducing energy demand
- Minimising carbon emissions and waste
- Renewable and low carbon energy
- Building design and layout
- Flooding
- Water usage
- Landscape
- Biodiversity
- Air pollution

Each phase of development shall be undertaken and completed in accordance with the respective approved Climate Change Statement.

Reason: To support measures that limit and mitigate the impacts of climate change, in accordance with policies LP24, LP26, and LP27 of the Kirklees Local Plan.

19. Plans and particulars relating to the Reserved Matters of layout and/or landscape of each phase approved pursuant to condition 6, shall include an Ecological Design Strategy (EDS) which demonstrates that a biodiversity net gain is achieved post-development. The EDS shall detail a minimum increase of 10% in habitat units, 10% in river units, and 10% in hedgerow units, based

on an up-to-date review of the site's ecological baseline value using the Biodiversity Metric 3.1 (or as updated). The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works;
- a) Review of site potential and constraints;
- b) Detailed design(s) and/or working method(s) to achieve stated objectives;
- c) Extent and location/area of proposed works on appropriate scale maps and plans;
- d) Details on the establishment of the habitats on the site;
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and
- j) Details for disposal of any wastes arising from works.

The EDS for each phase of development shall be implemented in accordance with the respective approved details and all features shall be retained in that manner thereafter

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

Details to be provided prior to development commencing

20. Groundworks (other than those required for a site investigation report) shall not commence within any phase approved pursuant to condition 6 until a Phase II Intrusive Site Investigation Report for that phase, undertaken by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

21. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 20, further groundworks on that phase shall not commence until a Remediation Strategy for the relevant area, prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

22. Remediation shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 21 for each phase approved pursuant to condition 6. In the event that remediation within a phase is unable to proceed in accordance with the approved Remediation Strategy, or where contamination not previously considered in either the Phase 1 Geoenvironmental Desk Study by Wardell Armstrong dated June 2021 (ref: LD10258 – V1.0) or the Phase II Intrusive Site Investigation Report, is identified or encountered on site, all groundworks in the phase (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence within the phase until revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the phase shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

23. Prior to the occupation of any phase, a Validation Report pursuant to the remediation measures approved within condition 22 shall be submitted to and approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted as part of the the last phase's Validation Report, to also be approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

24. Prior to development commencing within any phase approved pursuant to condition 6, details of temporary surface water drainage for the construction period of the phase (after soil and vegetation/site strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- Phasing of the development and phasing of temporary drainage provision.
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable offsite discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed in writing by the Local Planning Authority.

The temporary works for that phase shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary mitigations are considered and implemented at the appropriate stage.

25. Prior to development commencing, details which ensure permanent access, throughout all phases of the development, to the Moorend Combined Sewer Overflow and the associated syphon sewer, have been submitted to and approved by the Local Planning Authority. Furthermore, no construction activity shall commence in the affected area(s) of the site until the approved works have been implemented to the satisfaction of the Local Planning Authority.

Reason: In the interest of public health and maintaining the public sewer network, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate provision is made at the appropriate stage to protect public infrastructure.

26. Prior to development commencing, a strategy which sets out measures to protect the public sewerage infrastructure that is laid within the site boundary shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be exclusive, to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory

undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken. Thereafter the development shall be undertaken in accordance with the approved strategy.

Reason: In the interest of public health and maintaining the public sewer network, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate provision is made at the appropriate stage to protect public infrastructure.

27. Prior to development of each phase approved pursuant to condition 6 commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity for each phase shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- a. Identification of “biodiversity protection zones”.
- b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c. The location and timing of sensitive works to avoid harm to biodiversity features.
- d. The times during construction when specialist ecologists need to be present on site to oversee works.
- e. Responsible persons and lines of communication.
- f. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- g. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity for the phase shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

28. Prior to development of each phase approved pursuant to condition 6 commencing, a Construction (Environmental) Management Plan (C(E)MP) for the phase shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements;

- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development of the phase shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

29. Prior to development of each phase approved pursuant to condition 6 commencing, a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and

submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final unit associated with each phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure highways surrounding the site are appropriately surveyed prior to works commencing, and to ensure responsibility for remedial works can be fairly assigned with reference to evidence.

30. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of invasive non-native species, including the identified Japanese knotweed (*Raynouria japonica*) and Himalayan Balsam (*Impatiens glandulifera*) species on site. Thereafter the development shall be undertaken in accordance with the approved strategy.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

Details to be provided prior to specified time

31. Prior to the installation of any external lighting with a phase approved pursuant to condition 6, a 'lighting design strategy' for the phase, which has due regard to amenity, biodiversity and security interests, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include, but not be limited to:

- a. Identify those areas/features on site that are particularly sensitive for protected species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- a. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- b. The proposed hours of operation of the lighting
- c. Specification of all of the luminaires
- d. The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- e. The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- f. The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- g. The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

All external lighting for that phase shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

32. Prior to works associated with the installation of the surface water drainage system with a phase of development approved pursuant to condition 6 commencing, a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil / petrol interceptor of adequate capacity prior to discharge for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. Roof drainage should not be passed through any interceptor. Thereafter the approved oil/petrol interceptor shall be installed and made ready use, prior to the development being brought into use, and shall thereafter be retained.

Reason: In the interest of protecting water quality, in accordance with Policy LP27 of the Kirklees Local Plan.

Prior to occupation

33. Prior to the occupation of the hereby approved development, a detailed scheme for the provision of the combined cycle/footway improvement on Cliff Hollins Lane and Mill Carr Hill Road, as shown indicatively on drawing '31019-100-SK-010 Rev. A', shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented prior to occupation of the development.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

34. Prior to the occupation of the hereby approved development, all off-site highway improvement works as shown on plans ref. 'AMA/20804/D/001 rev. J' and '065646 CUR ZZ ZZ DR C 95001 rev. P08' shall be completed and be ready for use.

Reason: In the interests of highway safety for all those using the surrounding highway infrastructure to ensure that the mitigation highway works are completed and implemented and to accord with Policy LP21 of the Kirklees Local Plan.

35. Prior to any phase of development approved pursuant to condition 6 being brought into use, a detailed Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures for that phase shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

36. Prior to any phase of development approved pursuant to condition 6 being brought into use, being brought into use, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of parking spaces

The approved charging facilities shall be installed and made ready for use prior to the building(s) within the phase being brought into use. The charging points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

37. Prior to any part of site being brought into use, a Delivery and Servicing Management Plan (DSMP) for that part of the site shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include as a minimum:

- Intended method of notifying inbound and outbound Operational traffic to not travel upon Cliff Hollins Lane and Mill Carr Hill Road, with the exception of the sections necessary to access the site from Bradford Road;
- A strategy for the use of the development's servicing areas and individual access points for the management of operational traffic to minimise impacts on the local highway network;
- Details of servicing facilities at the site, including the access and yard arrangements;
- Details of any on-site servicing procedures;
- Details of any delivery driver procedures, including measures to ensure that HGV parking does not affect the operation of the highway;
- Details of any on-site holding area(s) for waiting Operational Vehicles;
- Details of any driver welfare facilities;
- Monitoring and review procedures;
- Details of the remedial measures that may be required to address any highway safety or operational issues.

The development shall thereafter be occupied and operated strictly in accordance with the DSMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety and mitigating the impacts of the development, and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

Ongoing post occupation

38. The combined noise from any fixed mechanical services and external plant and equipment, shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Note: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Note: Electric Vehicle Charging Points

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.

Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing Site Levels	1773-01-210	/	08.11.2021
Location Plan	1773-01-216	Rev. A	08.11.2021
Block Plan	1773-01-218	Rev. A	08.11.2021
Block Plan	1773-01-219	Rev. B	08.11.2021
Proposed Site / Block Layout	1772-01-220	Rev. D	08.12.2021
Block Plan	1773-01-221	/	08.11.2021
Block Plan	1773-01-222	Rev. A	08.11.2021
Block Plan	1773-01-223	/	08.11.2021
Block Plan	100-P-001	Rev. A	07.02.2023
Block Plan	100-P-002	Rev. A	07.02.2023
Block Plan	31019-100-SK-010	Rev. A	07.02.2023
Design and Access Statement			08.11.2021
Transport Assessment	Transport Assessment Addendum	Version 1.0	04.04.2023
Transport Assessment	Stage 1 Road Safety Audit Designer's Response	Version 1.0	07.02.2023
Transport Assessment	Technical Note: Update to Highway Response Note 1 – Sensitivity Testing	Version 1.0	07.02.2023
Transport Assessment	Technical Note: Response to Kirklees Council Highways	Version 1.0	12.05.2022

Plan Type	Reference	Version	Date Received
Travel Plan	Framework Workplace Travel Plan	Version 2.0	07.02.2023
Ecological / Biodiversity Statement	The Biodiversity Metric 2.0 Calculations		08.03.2022
Ecological / Biodiversity Statement	ER-5528-06	Rev. C	07.03.2022
Tree / Arboricultural Survey	Arboricultural Impact Assessment Plus Tree Survey / AR-5528-02		08.11.2021
Flood Risk Assessment	Flood Risk Statement and Drainage Strategy		08.11.2021
Supporting Information	Civic Engineers – Response to EA comments		02.03.2022
Supporting Information	Statement of Community Involvement		08.11.2021
Supporting Information	Invasive Species Survey / R- EE-5613-01		08.11.2021
Supporting Information	Environmental Statement Update Volume 3: Original ES Addendum (Appendix 2)		08.11.2021
Supporting Information	Environmental Statement Update Volume 2: Original Environmental Statement (Appendix 1)		08.11.2021
Supporting Information	Environmental Statement Update Volume 1: Main Report		08.11.2021
Supporting Information	Climate Change Statement for Planning Applications		08.11.2021
Supporting Information	Archaeological Appraisal / KEY05/ LPA-211		08.11.2021
Supporting Information	Phase 1 Geo-environmental Desk Study / LD10258-001		08.11.2021
Supporting Information	Coal Mining Risk Assessment / JC/LD10258/LET-003		08.11.2021
Supporting Information	White-Clawed Crayfish Survey / ER-5528-05		08.11.2021
Supporting Information	Riparian Mammal Survey / ER-5528-02		08.11.2021
Supporting Information	Interim Bat Activity Survey / ER-5528-02		08.11.2021

Plan Type	Reference	Version	Date Received
Supporting Information	SUSTAINABILITY STATEMENT		08.11.2021
Supporting Information	Outline Landscape & Visual Impact Appraisal		08.11.2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 12.10.2023.